IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

Crl.MC.No. 727 of 2006()

CC.150/2004 of JUDL. MAGISTRATE OF FIRST CLASS COURT, PATTAMBI

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PETITIONER: ACCUSED.1

ABOOBACKER KANNITHODI, S/O.K.MOHAMMED,
RESIDING AT KANNITHODI HOUSE, MUTHUTHALA P.O.
PALAKKAD DISTRICT, KERALA.

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENTS: COMPLAINANT.

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 04/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.727 of 2006

Dated this the 4th day of April 2007

O R D E R

The petitioner faces indictment in a prosecution under Sections 279 and 338 I.P.C. The petitioner is employed abroad. He could not appear before the learned Magistrate. Warrant of arrest has been issued against the petitioner. Steps under Sections 82 and 83 are pending against him.

2. The petitioner, in these circumstances, has come to this court with the prayer that he may be permitted to appear through counsel and plead guilty for the charges levelled against him.

3. Has the petitioner approached the learned Magistrate through counsel for permission to plead guilty? It is submitted that the petitioner had not appeared before the learned Magistrate through counsel and sought permission to plead guilty. I am of the opinion that the petitioner must appear before the learned Magistrate through counsel and apply for permission to plead guilty. Such application must be considered by the learned Magistrate on merits and appropriate orders must be

passed. The mere fact that the accused has not so far entered appearance personally and a non bailable warrant is pending against him, is, according to me, not a sufficient reason for the learned Magistrate not to consider such application and pass appropriate orders on merits.

4. This Criminal Miscellaneous Case is in these circumstances dismissed with the above observations.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006